

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAVELL JOHNSON, *et al.*,

Plaintiffs,

Case No. 21-cv-11305
Hon. Matthew F. Leitman

v.

CITY OF ST. CLAIR SHORES, *et al.*,

Defendants.

**ORDER (1) DENYING DEFENDANTS' MOTION TO EXCLUDE
EXPERT WITNESS (ECF No. 66) AND (2) GRANTING IN PART
AND DENYING IN PART DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT (ECF No. 59)**

On October 10, 2024, the Court held a hearing on several motions that the parties have filed in this action. For the reasons explained on the record, **IT IS HEREBY ORDERED** as follows:

- Defendants' motion to exclude the testimony of Dr. Vikas Aggarwal (ECF No. 66) is **DENIED**. The parties shall take the depositions of Dr. Aggarwal and Dr. Marc Brodsky by no later than **December 16, 2024**. The parties may then file a *Daubert* motion challenging the admissibility of the testimony of Dr. Aggarwal or Dr. Brodsky by no later than **January 20, 2025**. If necessary and appropriate following resolution of any potential

Daubert motions, the Court will grant Defendants leave to file a second summary judgment motion based on Dr. Aggarwal's testimony.

- Defendants' motion for summary judgment (ECF No. 59) is **GRANTED IN PART AND DENIED IN PART**. The motion for summary judgment is **GRANTED** with respect to Plaintiffs' claims against Defendant City of St. Clair Shores. The motion is also **GRANTED** as to Plaintiffs' false arrest/imprisonment claim against Defendant Mark Stevelinck on the basis of qualified immunity. Those claims are **DISMISSED**.
- The motion for summary judgment is **DENIED** in all other respects.
- The only remaining claims for trial in this case are the Fourth Amendment excessive force claims brought by Plaintiffs Javell Johnson and the Estate of Clarence Johnson against Defendant Stevelinck.
- The Court will issue a ruling on Plaintiff's "Motion for Default Judgment as to Liability or, in the Alternative, an Adverse Jury Instruction at Trial Regarding the Destroyed Audio/Video Evidence of the Subject Incident" (ECF No. 60) in a separate order.

IT IS SO ORDERED.

Dated: October 11, 2024

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 11, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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